

**NORTHFIELD TOWNSHIP
ZONING BOARD OF APPEALS**

September 18, 2017 7:00 p.m.
Second Floor, Public Safety Building
8350 Main Street, Whitmore Lake, MI 48189

AGENDA

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. ADOPT AGENDA**
- 5. CORRESPONDENCE**
- 6. PUBLIC HEARINGS:**
 - A. Case #JZBA170004 – Corey Kanitz, on behalf of Robert and Susan Garza, 3375 Five Mile Road, South Lyon, MI 48178 for a variance from Section 36-719. Private Roads and Driveway Regulations, Sub-section (d)(3) of the Northfield Township Zoning Ordinance, to construct a 15 foot wide gravel driveway with a total length of 1,365 feet, when the ordinance permits a maximum length of 1000 feet. The parcel number is B-02-14-300-007 and is zoned AR (Agricultural District).
- 7. OLD BUSINESS**
- 8. NEW BUSINESS:**
 - A. Case #JZBA170003 – Corey Kanitz, on behalf of Robert and Susan Garza, 3375 Five Mile Road, South Lyon, MI 48178 for a variance from Section 36-719. Private Roads and Driveway Regulations, Sub-section (d)(3) of the Northfield Township Zoning Ordinance, to construct a 15 foot wide gravel driveway with a total length of 1,365 feet, when the ordinance permits a maximum length of 1000 feet. The parcel number is B-02-14-300-007 and is zoned AR (Agricultural District).
- 9. APPROVAL OF MINUTES:** August 21, 2017
- 10. CALL TO THE PUBLIC**
- 11. ZBA MEMBER COMMENTS**
- 12. ANNOUNCEMENT OF NEXT MEETING:** October 16, 2017
- 13. ADJOURNMENT**

This notice is posted in compliance with PA 267 of 1976 as amended (Open Meetings Act) MCLA41.72A (2) (3) and the Americans with Disabilities Act (ADA). Individuals with disabilities requiring auxiliary aids or services should contact the Northfield Township Offices at (734) 449-5000, seven days in advance.

NORTHFIELD TOWNSHIP MICHIGAN

8350 Main Street • Whitmore Lake, Michigan 48189-0576

Telephone: (734) 449-2880 • Building Dept. (734) 449-5000 • Fax: (734) 449-0123 • Web Site: www.twp-northfield.org

ZONING BOARD OF APPEALS HEARING APPLICATION

Applicant Information:	Proprietor/Owner Information:
Name: Corey Kanitz	Name: Robert and Susan Garza
Address: 22712 Mayfield, Farmington, MI 48336	Address: 7255 Mayburn, Dearborn Heights, MI 48127
Phone: (734)391-9104	Phone: (734)459-6000
Email: ckanitz@gmail.com	Email: rg66@comcast.net, hey0001211@comcast.net, joanne413@gmail.com
If application is made by anyone other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or agent thereof that the application and the proposed work or operation is authorized by the owner in fee. If the owner or lessee is a corporate body, the full name and address of the responsible officers shall also be provided.	
Proof of Ownership Attached: <input checked="" type="checkbox"/>	Non-Owner Affidavit Attached: <input checked="" type="checkbox"/>
If applicant is not the owner, describe applicants interest in the property: <u>ZBA variance approval required to complete purchase agreement and build new single family residence</u>	
1. PROPERTY DESCRIPTION:	
A.) PROJECT ADDRESS: 3375 Five Mile Rd, Northfield Township, 48178	
B.) PARCEL ID(S): B-02-14-300-007	IS THIS PROPERTY IN A FLOOD PLAIN: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
C.) LEGAL DESCRIPTION: REQ/LC FROM 0214300006 02/06/95NO 14-10A-2A COM AT S 1/4 COR SEC 14, TH S 83-29-5 W 450.62 FT TO POBTH N 11-51-25 W 1259.99 FT, TH S 83-29-5 W 742.43 FT, THS 6-46-50 E 245.00 FT, TH N 83-31-55 E 644.25 FT, TH S 11-44-32 E 1013.90 FT, TH N 83-29-5 E 120.00 FT TO POB, PT OF SW 1/4, SEC 14, T1S-R6E; CONT 7.02 ACRES	
2. PRESENT ZONING CLASSIFICATION:	
<input checked="" type="checkbox"/> LR <input type="checkbox"/> MR <input type="checkbox"/> MHP <input type="checkbox"/> SR1 <input type="checkbox"/> SR2 <input type="checkbox"/> LC <input type="checkbox"/> HC <input type="checkbox"/> GC <input type="checkbox"/> LI <input type="checkbox"/> GI <input type="checkbox"/> RTM <input type="checkbox"/> ES <input type="checkbox"/> PUD <input type="checkbox"/> PSC <input type="checkbox"/> RC <input type="checkbox"/> RO <input type="checkbox"/> WLD-___ W.L./N.T. Overlay OTHER:___	
3. PRESENT USE OF PROPERTY: Vacant	
4. NON-CONFORMING STATUS:	
A.) Please describe briefly the Non-Conformities which exist for this property (lot, structure or use): <u>N/A</u>	
B.) Stateyear/month Non-Conformity began (to the best of your knowledge):	
5. VARIANCE REQUEST:	
A.) Is a denial letter attached from the Zoning Administrator? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If no, identify each section of ordinance from which Variance is requested: <u>Sec. 36-719. - Private road and driveway regulations; subsection (d); part (3) "The maximum length of the drive may be 1,000 feet; and"</u>	

Variance request information continued, page 2

Pg. 1

B.) Describe reason/need for Variance: Parcel is flag-shaped, has a long, narrow entry from ROW.

^{8/17/17}
Driveway will be >1000ft. Gravel Construction.

C.) Explain existing special conditions or circumstances that are unique to the land or buildings involved which are not applicable to similar land or building in the same district:

See B.

D.) Did the special condition or circumstances arise from your actions?

☐ Yes

☒ No

Describe:

E.) Explain why interpretation of the ordinance would deprive you of rights commonly enjoyed by other property owners in the same district: Sale of property contingent on ZBA approval of variance for driveway length.

Other properties have options for placement of a home within 1000' of the road.

F.) Explain why this is the minimum variance necessary to allow for a reasonable utilization of the land or structure:

A variance of 365ft would be necessary to allow for construction of a new home on a vacant parcel.

G.) Explain how this variance would be in harmony with the intent of the ordinance and not injurious to the neighborhood or neighbors or otherwise detrimental to the public interest:

Surrounding homes are set back from road. Includes precedent of ZBA approval for a driveway exceeding 1000ft at 3808 Five Mile Rd (March 30, 2015 ZBA Minutes).

H.) I, the applicant, request the Zoning Board of Appeals grant the following:

Approval of 365 ft. variance to driveway length to permit building as described herein.

Final expected driveway length: 1365 ft

6. REQUIRED DOCUMENTS:

Attach a ~~site plan~~ and accurate drawing (8 copies) correlated with the legal description and showing:

- All lot dimensions
- Dimensions and locations of all existing and proposed buildings/additions and drives
- Other improvements and easements of record
- Show distances between existing and proposed buildings and/ or additions
- Show locations and distances of wells, septic and/or sewer lines
- Locations, size, and distances of buildings/structures on adjoining lots
- All additional pertinent information as listed on the checklist on page 3

All documents must be submitted at time of application. If further information is needed, the Zoning Board of Appeals reserves the right to postpone the hearing to review new information.

7. If applicable, all lot lines and building corners must be staked out a minimum of 10 days before the hearing date.

8. The address of the property must be clearly marked and visible from the road.

9. A fee of dollars as established by the township board is attached to the application. Applicant understands that the fee will not be refunded in whole or in part regardless of the outcome of the decision.

* \$595.00 - Single unit (excludes subdivisions, site condo plans, commercial or apartment buildings greater than 4 units.)

\$795 = All others

10. THE APPLICANT:

A.) Has received and read the attached provisions of the Township Zoning Ordinance in regards to Article XXX "Zoning Board of Appeals" and understands that a public hearing will be established within 45 days of the filing date and

B.) Has also read the sections of the Township Zoning Ordinance that to pertain to this request and

C.) Has complied with the above requested information and understands that the Zoning Board of Appeals reserves the right to adjourn a meeting if the above stated information is not provided and to re-schedule it when the information is provided and

D.) Understands that any approval or denial of this application shall not relieve the applicant of compliance with all other applicable provisions of the Township Zoning Ordinance or Building Code and each variance approved shall be null and void unless authorized activity commences within 180 days after the date of approval.

AUTHORIZED SIGNATURE

All information provided in this application is, in all respects, true and correct to the best of my knowledge, and I understand that incorrect information may be grounds for denying the application or voiding any approval granted hereunder.

Corey Kanitz

Applicant(s) Signature



8/17/17

Date

APPLICANT CHECKLIST

The following information must be submitted to the Northfield Township Clerk prior to the application being scheduled for a public hearing:

- ☒ Completed application form
- ☒ Statement authorizing variance application if not the owner
- ☒ Proof of ownership property
- ☒ Legal description of property
- ☒ 8 copies of site plan and required information
- ☒ Review Fee

FOR ZONING BOARD OF APPEALS USE ONLY**APPEAL OF DECISION**

1.) Name and Office of Official/Commission:

2.) Date of Decision:

3.) Describe Decision that is being appealed:

4.) Describe alternate interpretation or reason for the relief requested:

ACTION TAKEN

The Northfield Township Board of Appeals reviewed the above requested variance or appeal and;

☐ Approved: Date

☐ Denied: Date

Comments:

 Signature of ZBA Chair

 Signature of ZBA Secretary
Public Hearing date and time:

Notice sent to Newspapers:

 for publication on:

(Notice shall be given not less than fifteen (15) days nor more than thirty (30) days before the date of public hearing.)

Notice sent to neighboring owners / occupants:

(Notice shall be sent to all persons to whom real property is assessed and to the occupants of all structures within 300 feet of the property.)

Notice sent to Zoning Board of Appeals Members:

Copies of Minutes sent to:

 File

Applicant:

Building Department:

Ordinance Enforcement Officer:

8/17/17

From: **Corey R Kanitz** ckanitz@gmail.com
Subject: Fwd: Compliance letter
Date: July 24, 2017 at 4:23 PM
To: Robin Cook robin@robincookandco.com, Robbie@robincookandco.com, Robbie Cook robincookbuilding@gmail.com



----- Forwarded message -----
From: "JoAnne Jensen" <joanne413@mail.com>
Date: Jul 24, 2017 4:12 PM
Subject: Compliance letter
To: "Corey K" <Ckanitz@gmail.com>
Cc:

Here you go Corey. Let me know if this is OK.

Monday, July 24, 2017

Re: Zoning Compliance

To: Northfield Township Zoning Committee

We, Robert Garza and Susan Garza, the current owners of property at 3375 5 Mile Road, South Lyon Michigan 48178, allow Robin Cook and Corey Kanitz to apply for the zoning compliance waiver/approval and any other issues relating to our property at 3375 5 Mile Road.

Thank You for your consideration with this property.

Sincerely,

Susan Garza

Robert Garza

8/17/17



OFFICIAL SEAL
10/20/2004
L-4433 P-131

Washtenaw Co., MI
Peggy M. Haines
CLERK
REGISTER



Page: 1 of 1
10/20/2004 11:06A
L-4433 P-131

WARRANTY DEED-(Statutory Form)
C.L. 1948, 565.152 M.S.A. 26.571

81-338

Furnished by SELECT TITLE COMPANY

KNOW ALL MEN BY THESE PRESENTS: That DONALD E. MANN AKA DONALD MANN and DIAHANN M. MANN AKA DIAHANN MANN, HUSBAND AND WIFE

Convey(s) and Warrant(s) to ROBERT R. GARZA and SUSAN R. GARZA, HUSBAND AND WIFE
whose address is 7255 MAYBURN, DEARBORN HEIGHTS, MI 48127

the following described premises Situated in the Township of Northfield, County of Washtenaw, State of Michigan:

Part of the East 1/2 of the Southwest 1/4 of Section 14, T1S, R6E, Northfield Township, Washtenaw County, Michigan, described as: Beginning at a point on the South line of said Section 14, distant South 83 degrees 29' 05" West 450.62 feet from the South 1/4 corner of said Section 14; thence South 83 degrees 29' 05" West along said South line of Section 14, which is also the centerline of Five Mile Road Right-of-Way 120.00 feet; thence North 11 degrees 44' 32" West 1013.90 feet; thence South 83 degrees 31' 55" West 644.25 feet; thence North 06 degrees 46' 50" West 245.00 feet; thence North 83 degrees 29' 05" East 742.43 feet; thence South 11 degrees 51' 25" East 1259.99 feet to the Point of Beginning.

for the full consideration of One Hundred Thirty Nine Thousand Nine Hundred and 00/100 Dollars (\$139,900.00)

subject to easements, restrictions or reservations of record.

The property may be located within the vicinity of farmland or farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act. The grantor grants to the grantee the right to make _____ division(s) under section 108 of the land division act, Act No 288 of the Public Acts of 1967. (If no number is inserted, then all division rights are granted.)

Dated this 24 day of September

2004

Signed and Sealed:

Donald E. Mann (L.S.)
DONALD E. MANN

WASHTENAW COUNTY TREASURER
TAX CERTIFICATE NO. 8576900

Diahann M. Mann (L.S.)
DIAHANN M. MANN

STATE OF MICHIGAN
COUNTY OF LIVINGSTON SS.

On this 24 day of September 2004 before me personally appeared

DONALD E. MANN and DIAHANN M. MANN

to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged that he/she/they executed the same as his/her/their free act and deed.

My commission expires: **ERIN C. DAHN**
Notary Public, Genesee County, MI
My Commission Expires 4-18-2008
Acting in _____ County

Erin C. Dahn

Notary Public, Livingston County MI

Instrument

Drafted by JOSEPH C. DEKROUB, JR.

Business

Address 6870 GRAND RIVER, BRIGHTON, MI 48114

Recording Fee

When recorded return to GRANTEE

State Transfer Tax

7255 MAYBURN, DEARBORN HEIGHTS, MI 48127

PNTI Ins. # 81-338

Send Subsequent tax bills to

Tax Parcel # B-02-14-300-007

STATE OF
MICHIGAN



REAL ESTATE
TRANSFER TAX

Washtenaw
10/20/2004
112121

\$134.00-CA
\$1056.00-S*
#63226 *

8 of 14

1-14-154-1050-

8/17/17

NORTHFIELD TOWNSHIP MICHIGAN

8350 Main Street • Whitmore Lake, Michigan 48189-0576

Telephone: (734) 449-2880 • Building Dept. (734) 449-5000 • Fax: (734) 449-0123 • Web Site: www.twp-northfield.org

ZONING COMPLIANCE APPLICATION / CERTIFICATION

Zoning Compliance is required prior to new construction, alterations to an existing structure, or change of use.

This application must be accompanied by two (2) copies of scaled site plans meeting the information requirements of the Zoning administrator. Plans must be dated (mo., day, yr.), including revisions, notate scale, and include a directional 'North' arrow.Proposed and existing structures must be included in plans. For non-residential uses in any zoning district, all buildings and structures, utilities, parking area, dumpsters, landscaping, sidewalks, paved drives, fences, sign locations, etc. must be clearly visible on plans.Site plans must also list the name, address, and parcel number of the property being reviewed on the Zoning Application.

Applications for zoning compliance certificates shall be deemed abandoned (6) months after the date of filing unless diligently pursued or a building permit or certificate of occupancy is issued. Any certificate shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after commencement of work.

PROJECT NAME: <u>Corey Kanitz</u>	
PROJECT ADDRESS: <u>3375 5 mile Rd South Lyon</u>	
PARCEL ID(S): <u>B-02-14-300-007</u>	IS THIS PROPERTY IN A FLOOD PLAIN: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicant Information:	Proprietor/Owner Information:
Name: <u>Robin C Cook Building LLC</u>	Name: <u>Robert and Susan Garza</u>
Address: <u>1108 Westview Way Ann Arbor</u>	Address: <u>3375 5 mile Rd South Lyon</u>
Phone: <u>734 320 0556</u>	Phone: _____
Email: <u>Robin@RobinCookandCo.com</u>	Email: <u>Joanne413@mail.com</u>
If application is made by anyone other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or agent thereof that the application and the proposed work or operation is authorized by the owner in fee. If the owner or lessee is a corporate body, the full name and address of the responsible officers shall also be provided.	
Proof of Ownership Attached: <input checked="" type="checkbox"/>	Non-Owner Affidavit Attached: <input checked="" type="checkbox"/>
If applicant is not the owner, describe applicants interest in the property: <u>Applicant is the Builder for Project Name Corey Kanitz</u>	
PROPERTY DESCRIPTION	
Description of Proposed Use: <u>New Single Family Residence</u>	
Sanitary Facilities: <input type="checkbox"/> Sewer; Sewer Tap Permit #: _____ <input checked="" type="checkbox"/> Septic; WCHD Permit #: _____	
Zoning Classification(s): <u>AR</u> LR MR MHP SR1 SR2 LC HC GC LI GI RTM ES PUD PSC RC RO WLD-____ W.L./N.T. Overlay OTHER: _____	
Type of Construction/Alteration: <u>Stick Built Residence 2000 sq' with Detached Garage</u>	
Project Start Date: <u>Sept 2017</u>	Project Completion Date: <u>July 2018</u>
AUTHORIZED SIGNATURE	
In the case of a false statement or misrepresentation of fact in the application or on the plans on which the certificate is based, any zoning compliance certificate issued thereto shall be null and void.	
I hereby acknowledge the above facts and those on the attached site sketch and prints to be true to the best of my knowledge and state that said construction and/or occupancy of the structure and/or site shall occur in accordance with this certificate. Further, I agree to give permission for officials of Northfield Township, Washtenaw County and the State of Michigan to enter the property for the purposes of inspection.	
Applicant(s) Signature: <u>Rob C Cook</u>	Date: <u>7/5/17</u>

8/17/17

FOR OFFICE USE ONLY			
<p>Received Date:</p> <h1 style="margin: 0;">RECEIVED</h1> <p>AUG 04 2017</p> <p>NORTHFIELD TOWNSHIP</p>	<p>Paid Date:</p> <h1 style="margin: 0;">PAID</h1> <p>AUG 4 2017</p> <p>NORTHFIELD TOWNSHIP TREASURER</p>	<p>Existing Legal Non-Conformities: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, explain below:</p> <hr/> <hr/> <hr/> <hr/>	
<p>ZONING COMPLIANCE CERTIFICATE:</p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Approved: Date _____ <input type="checkbox"/> Denied: Date _____ </div> <div> <input checked="" type="checkbox"/> Approved As Noted: Date <u>8-11-17</u> <input type="checkbox"/> Conditional Use Required <input type="checkbox"/> Site Plan Approval Required </div> </div>			
<p>COMMENTS: <u>SEE ATTACHED COMMENT SHEET.</u></p> <p><u>ZBA APPROVAL FOR DRIVEWAY LENGTH</u></p> <p><u>REQUIRED PRIOR TO ANY BUILDING PERMIT</u></p> <p style="text-align: right;"><u>ISSUANCE</u></p>			
<p><u>Nedya</u></p> <p>Zoning Administrator Signature</p>		<p><u>8-11-17</u></p> <p>Date</p>	
AREA OF CONCERN			
Landscaping:	Complies	Does Not Comply	N/A
1 Greenbelt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 Parking lot islands, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 Site Landscaping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Foundation Planting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 Dumpster Screening	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 Comments:			
Signs:			
7 Number of Signs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 Size and area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9 Comments:			
<p>Comments:</p> <p>Engineering: _____</p> <p>Utilities: _____ <input type="checkbox"/> Connection fee's paid</p> <p>Fire Chief: _____ <input type="checkbox"/> Inspection Complete</p> <p>Access: _____</p> <p>Other Conditions of Approval: _____</p> <p>_____</p> <p>Additional Comments: _____</p> <p>_____</p>			

Fig. 2 of 2

3375 Five Mile Road

Applicant: Robin C. Cook Building LLC (Owners: Robert and Susan Garzá)
Request: Construction of a new single family dwelling and detached garage
Zoning: AR (Agriculture District)
Action: **Approved with conditions** (see comments below)

Comments:

The proposed single family dwelling is permitted by right in the district per Section 36-156 (1) of the Zoning Ordinance. The proposed accessory structure i.e., garage is permitted by right in the district per Section 36-156 (13) of the Zoning Ordinance. The existing lot meets all minimum required standards for the AR district and the structures meets all setback requirements, including the required 10 foot separation distance between the garage and the principal dwelling [Section 36-98(d)(7)].

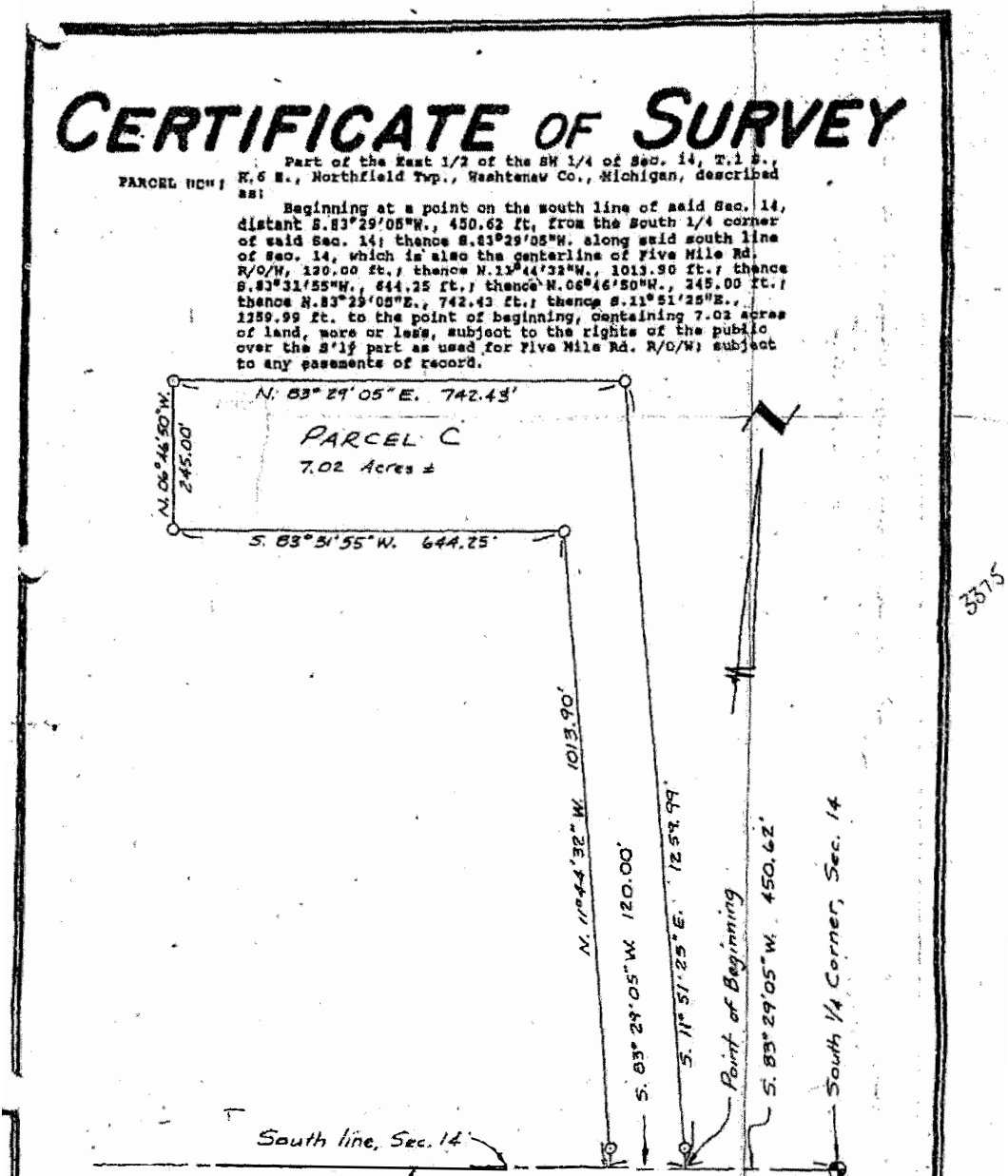
Conditions of approval:

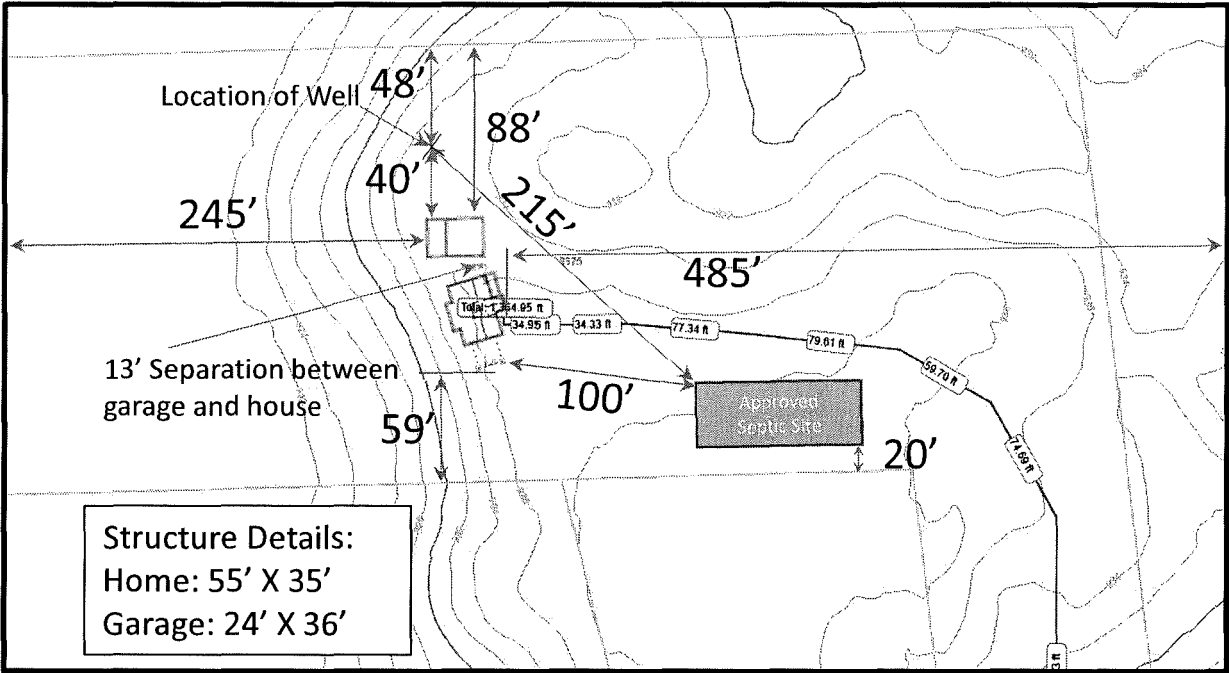
- *Plans submitted for Building department approval must include well location.*
- *Plans submitted for Building permits must note size of detached garage.*
- *The proposed dwelling will require approval from Washtenaw County Road Commission for placement of a new driveway approach on Five Mile Road and approval from Washtenaw County Health Department for the proposed well (not shown) and septic field locations.*
- ARTICLE XXVI. SUPPLEMENTARY REGULATIONS AND STANDARDS; Section 36-719. Private Road and Driveway Regulations sub-section (d) (3) driveway standards allows for a maximum driveway length of 1000 feet. **The applicant will require approval from the Zoning Board of Appeals for the driveway length and also approval from the fire department, prior to issuance of any permit from the Building Department.**

Zoning Administrator
8-11-17

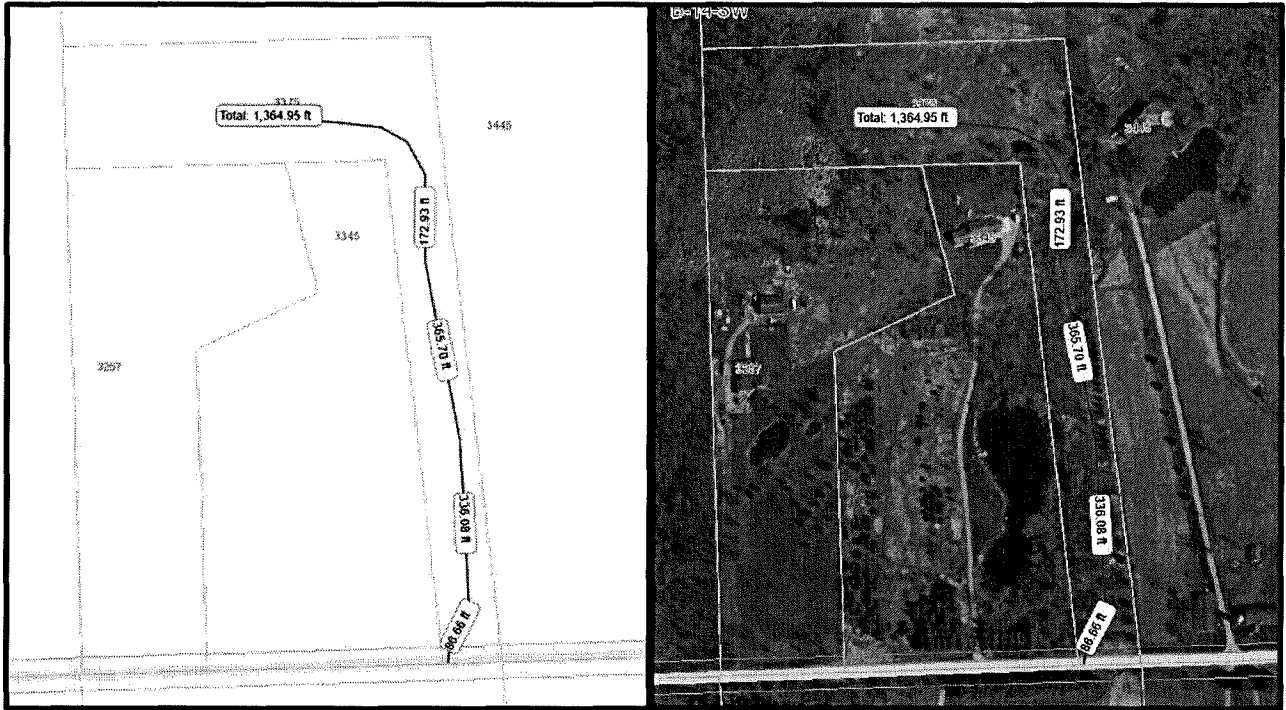
Site Plan and Required Information

Lot Dimensions

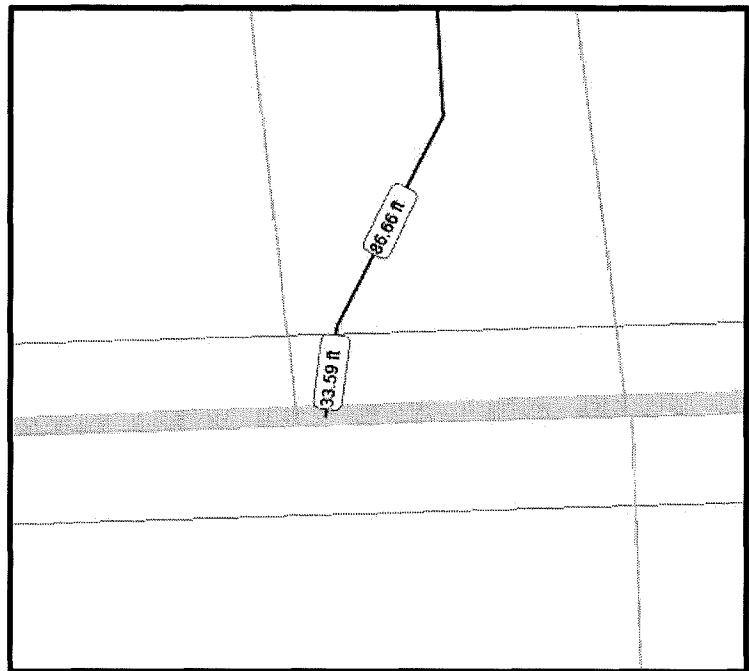
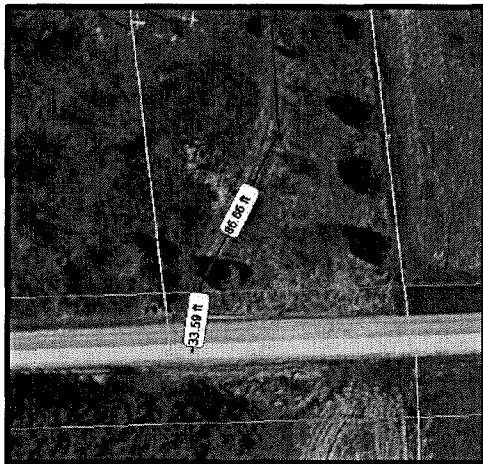




3375 Five Mile Rd Proposed Driveway Path



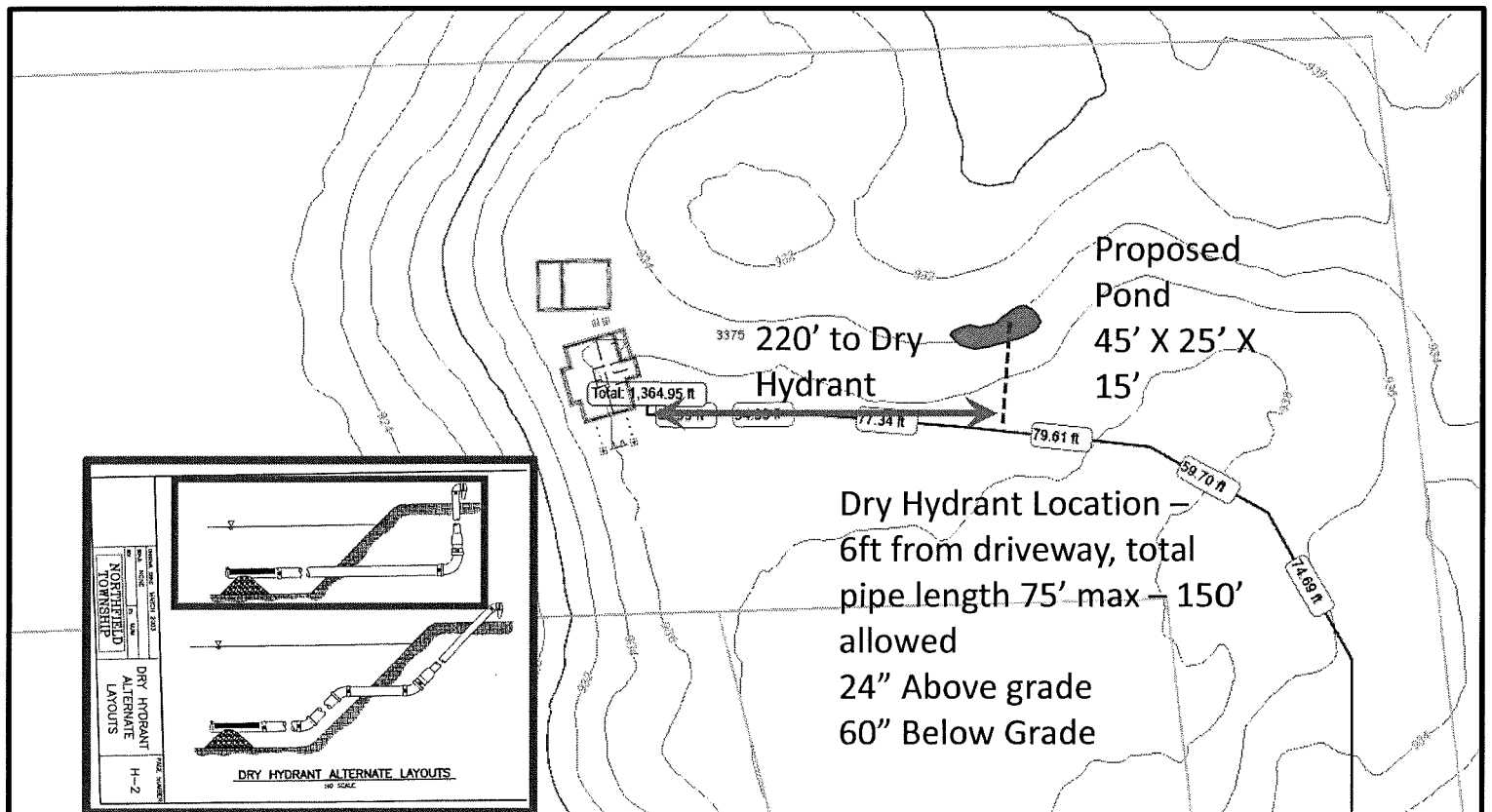
Five Mile Rd ROW Detail

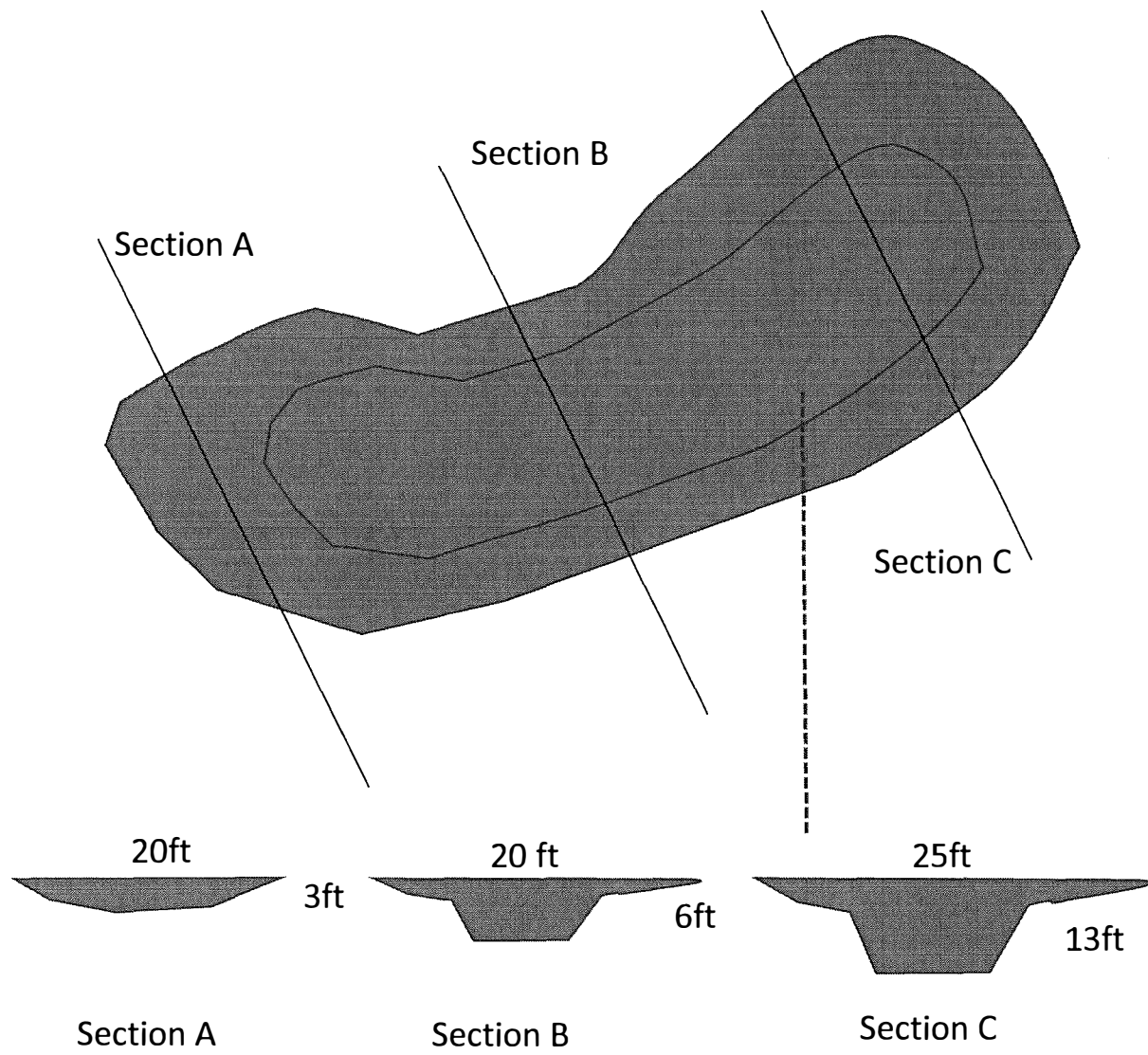


Pond Proposal

- Applied for ZBA variance approval 8/17
- Spoke with Chief Wagner about Dry Hydrant Requirements for obtaining a building permit
 - I acknowledge that a dry hydrant will be required per Northfield Township “Dry Hydrant Specification and Details”
- See enclosed proposal

Pond Proposal 3375 Five Mile Rd





Estimated Volume

- Length: 45'
- Average Width: 25'
- Average Depth: 6'
- Total Estimated Volume (gallons):
 - $L \times W \times D \times 7.48 = 50,000$ gallons
 - Required – 30,000: 160% of requirement

September 5, 2017

Zoning Board of Appeals
Northfield Township
8350 Main Street
Whitmore Lake, MI 48189-0576

Subject: Robert and Susan Garza/3375 Five Mile Road; Variance Review #1 (Application and materials dated received by Township on 8/17/17).

Dear ZBA Members:

We have reviewed the above referenced variance application submitted by Corey Kanitz on behalf of Robert and Susan Garza, to construct a new dwelling on a vacant parcel of land, with a access off Five Mile Road. The site is located on the north side of Five Mile between Earhart and Sutton Roads and is zoned AR (Agriculture) District.

VARIANCES

The proposal requires the following variance from the Zoning Ordinance:

1. ARTICLE XXVI. SUPPLEMENTARY REGULATIONS AND STANDARDS; Section 36-719. Private Road and Driveway Regulations sub-section (d) (3) driveway standards:

- Maximum driveway length - 1000.00 feet permitted
- 1365.00 feet proposed
- 365.00 foot variance requested

COMMENTS

Per Section 36-943 (d) of the Northfield Township Zoning Ordinance, the Board must, prior to acting on a proposed variance, consider and make findings regarding several factors, listed in bold type below. A variance shall not be granted by the ZBA unless all the following conditions are met:

- (1) a. **Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and are not applicable to other lands, structures or buildings in the same district.**
The subject site is 7+ acre parcel which exceeds the minimum lot size requirement of 5 acres for the AG district. The site is unusual in being flag shaped, with the long arm of the flag extending over 1000 feet prior to the main portion of the parcel. The applicant's proposal to locate the principal dwelling and accessory structures on the rectangular portion of the parcel necessitates the variance. The parcel has a frontage of 120 feet on Five Mile Road; however the applicant's placement of a dwelling and a detached garage side by side will be unable to meet the setback requirements, without an increased width. Further, in an email dated 9/5/17 the applicant clarified that the property has an 8' slope to the east and a similar slope to the south and north. While this grade change does not prohibit construction, it would require extensive grading to address storm water run-off and drainage. To our knowledge, the flag shape of the lot is not a common occurrence within the Township. The applicant is proposing to construct the dwelling on the wide and flatter portion of the parcel, which results in the need for a longer driveway then typical.

- b. **The special conditions and circumstances on which the variance request is based do not result from the actions of the applicant.** The request for variance results from the existing shape i.e., flag lot and topography of the property i.e., grade change, which is not a result of any action by the applicant.
 - c. **The literal interpretation of this chapter would deprive the applicant of the rights commonly enjoyed by other property owners in the same district under the terms of this chapter.** Adherence to the provisions of the Ordinance would likely inhibit the applicant's ability to build a dwelling as proposed. It would require a redesign of the dwelling and placement of the garage, and may also impact the location of the septic field and well. As proposed the structures meet all other setback requirements with adequate buffers from all abutting property lines.
 - d. **That granting the variance requested will not confer upon the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district.** Granting the requested variance will allow the applicant to build a dwelling while addressing the challenges posed by the property. The increased driveway length is to address the shape and a physical constraint on the land which is not conferring any special privilege upon the applicant.
- (2) **The existence of nonconforming uses of neighboring lands, structures or buildings in the same district, any permitted or nonconforming uses of lands, structures or buildings in other districts, and nonconforming structures, shall not be considered grounds for issuance of a variance.** This standard is not applicable. The applicant's request for variance has been reviewed based on physical challenges and constraints on the subject parcel and not in comparison to any existing structures on the subject or abutting sites.
- (3) **The variance requested is the minimum possible for the reasonable use of the land, building and structure.** The driveway appears to extend from the public right of way to the middle of the rectangular portion of the flag lot. The variance could likely be minimized if the dwelling were to be placed further east than proposed. It is unclear if the placement was dictated based upon the location of any approved septic field, well or dry pond locations.
- (4) **Granting of the variance will be in harmony with the intent of the Ordinance and will not be injurious to the neighborhood or otherwise detrimental to public interest.** Granting the variance is not likely to have any adverse or injurious effect on the neighborhood or be detrimental to the public in general. Due to the increased driveway length the Fire Department will require the applicant to put in a dry hydrant on the site which the applicant must comply with.

RECOMMENDATION AND FINDINGS

Based on the findings below, and subject to any additional information presented and discussed by the applicant, Board, and/or the public during the public hearing and incorporated into the record prior to any findings being made, we recommend that the Zoning Board of Appeals approve the requested variance for the property located at 3375 Five Mile Road:

1. The site is challenged by its flag shape and existing slope which would require extensive grading.
2. The natural constraints on the property are not a result of any action by the applicant.

3. Not allowing for the variance would likely result in the applicant having to change the design and placement of the dwelling and garage, and the septic field and well locations, which could be burdensome.
4. The request for variance is not a result of any existing non-conformity on the subject or abutting sites.
5. The variance requested is not the minimum possible; however, it may be dictated by other factors.
6. The variance is not adverse to public interest.

Subject to the approval of a dry hydrant/pond installation as required by the Fire Department.

Respectfully submitted,

McKENNA ASSOCIATES



Vidya Krishnan
Senior Planner

cc:	Township Manager:	Howard Fink, Northfield Twp., 8350 Main St., Whitmore Lake, MI 48189
	Assessing/Building Asst.	Mary Bird, Northfield Twp., 8350 Main St., Whitmore Lake, MI 48189
	Applicant:	Corey Kanitz

NORTHFIELD TOWNSHIP ZONING BOARD OF APPEALS

Minutes of Regular Meeting August 21, 2017

1. CALL TO ORDER

The meeting was called to order by Jacqueline Otto at 7:10 P.M. at 8350 Main Street.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL AND DETERMINATION OF QUORUM

Greg Kolecki	Present
Jacqueline Otto	Present
Stephen Safranek	Absent with notice
Amy Steffens	Absent with notice
Gary Wellings	Present
Jeff Lehrke, Alternate	Present
(Presence not required)	

Also present:

Mary Bird, Assessing & Building Assistant
Planning Consultant Vidya Krishnan
Township Manager Steven Aynes
Members of the public

4. ADOPT AGENDA

- **Motion:** Kolecki moved, Lehrke supported, that the agenda be adopted as presented.
Motion carried 4—0 on a voice vote.

5. CORRESPONDENCE

None.

6. PUBLIC HEARINGS

6A. Case #JZBA170003; Hatfield Holdings, LLC;
Location: 8475 Main Street;
Request for variance from Article XIV, Section 36-392(5), Subsection (4)b, side yard setback, from 20 feet required to proposed 11 feet.
Parcel 02-08-250-017; zoned GC—General Commercial.

- **Motion:** Lehrke moved, Kolecki supported, that the public hearing be opened.
Motion carried 4—0 on a voice vote.

Planning consultant Krishnan explained that the proposed addition to the rear of the Bobberdown restaurant would relocate a stairway and provide additional storage. She reviewed the standards for determination, including the following comments:

- The existing building, probably built before adoption of the zoning ordinance, does not comply with building setbacks.

- The proposed addition is no closer to the property line than the existing building, and meeting the building setback would not allow building codes for relocation of the stairway to be met.

- Strict compliance with the building setback requirement would probably not allow the addition to be built, and the addition is proposed to correct building code problems and to improve the interior functionality of the building.

- This will not adversely affect neighboring properties or public welfare.

Bobberdown owner Debra Hatfield explained that this small addition will address a building code violation identified some time ago and provide additional storage and office space, but will not enlarge the kitchen.

Krishnan recommended approval of the requested variance based on compliance with the findings of fact.

- **Motion:** Kolecki moved, Lehrke supported, that the public hearing be closed.
Motion carried 5—0 on a voice vote.

7. OLD BUSINESS

None.

8. NEW BUSINESS

8A. Case #JZBA170003; Hatfield Holdings, LLC;
Location: 8475 Main Street;
Request for variance from Article XIV, Section 36-392(5), Subsection (4)b, side yard setback, from 20 feet required to proposed 11 feet.
Parcel 02-08-250-017; zoned GC—General Commercial.

- **Motion:** Lehrke moved, Wellings supported, that in case #JZBA170003, Hatfield Holdings, LLC, 8475 Main Street, zoned GC-General Commercial, for a proposal to construct a 2-story, 391 square foot addition on the rear (west side) of the building, which necessitates a variance from the Article XIV, Section 36-392(5), Subsection (4)b, side yard setback, of the zoning ordinance, which requires a side yard setback of 20 feet, a variance of 9 feet (providing a setback of 11 feet) is granted, subject to the findings of fact listed in the McKenna letter of July 21, 2017.
Motion carried 4—0 on a roll call vote.

Northfield Township Zoning Board of Appeals
Minutes of Regular Meeting
Public Safety Building; 8350 Main Street
August 21, 2017

8B. Zoning Administrator Quarterly Report, 3/1/17-6/30/17.

Krishnan noted many zoning compliance permit applications during this period. She noted that many were well-prepared while others required her assistance. She said some did not meet zoning ordinance requirements, so she was required by the ordinance to deny them, and most applicants were willing to revise their applications to meet ordinance requirements. She noted that some applicants were not happy with denials, and the zoning ordinance includes provisions for them to appeal decisions.

9. MINUTES

March 20, 2017, and March 30, 2017

- **Motion:** Lehrke moved, Kolecki supported, that the minutes of the March 20, 2017 regular meeting and the March 30, 2017, joint meeting with the Planning Commission be approved as presented. **Motion carried 3—1 on a voice vote, Wellings abstaining.**

10. CALL TO THE PUBLIC

No comments.

11. ZBA MEMBER COMMENTS

No comments.

12. ANNOUNCEMENT OF NEXT MEETING

September 18, 2017, at 7:00 PM at the Public Safety Building was announced as the date and time of the next regular meeting of the Zoning Board of Appeals.

13. ADJOURNMENT

- **Motion:** Otto moved, Wellings supported, that the meeting be adjourned. **Motion carried 5—0 on a voice vote.**

The meeting was adjourned at 7:32 P.M.

Prepared by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows:

Wording removed is ~~stricken through~~;

Wording added is underlined.

Adopted on _____, 2017.

Stephen Safranek, Chair

Greg Kolecki, Secretary

Official minutes of all meetings are available on the Township's website at http://www.twp-northfield.org/government/zoning_board_of_appeals/